

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

United States of America,)
 Plaintiff,)
vs.) Case No. 06-5012-01-CR-W-FJG
Johnny Thomas,)
 Defendant.)

ORDER

Pending before the Court is defendant's motion to suppress evidence and statements (Doc. #22), filed June 30, 2006, and the government's response (Doc. #24), filed July 19, 2006.

On November 1, 2006, Chief United States Magistrate James C. England held an evidentiary hearing on the pending motion to suppress. Thereafter, on November 15, 2006, Chief Magistrate England entered a report and recommendation (Doc. #35) which recommended denying the above-mentioned motion. Objections to the report and recommendation were filed by defendant on December 27, 2006 (Doc. #39).

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that defendant's motion to suppress evidence and statements (Doc. #22), filed June 30, 2006, must be denied.

Accordingly, it is

ORDERED that the Chief Magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant's motion to suppress evidence and statements (Doc. #22), filed June 30, 2006, is denied.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
United States District Judge

Dated: 1/8/07
Kansas City, Missouri